

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 26, 2001**

## DIVISION ONE

B145966      Dora B.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services., r.p.i.)

The petition is denied.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B139148 People (Not for Publication)  
v.  
Cleveland

The abstract of judgment is modified to reflect the following: Count 10 — a consecutive enhancement of three years and four months pursuant to Penal Code section 12022.53, subdivision (b). Count 11 — a four-year enhancement pursuant to Penal Code section 12022.5, subdivision (a)(1), stayed pursuant to Penal Code section 654. Count 12 — a concurrent term of six years for assault. A restitution fine of \$200 pursuant to Penal Code section 1202.4, subdivision (b). As modified, the judgment is affirmed. The trial court is directed to send a copy of the modified abstract of judgment to the Department of Corrections.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B139060 Vermont & 43rd Medical Clinic (Not for Publication)  
v.  
Molina Medical Centers, Inc.

The judgment (order) is reversed to the extent that it denies Molina's petition to compel arbitration of the three tort claims asserted in Vermont Clinic's complaint. The cause is remanded to the trial court with directions to refer the entire dispute--both contract and tort-- to the arbitrator for resolution and to stay all further proceedings in the trial court pending conclusion of the arbitration. Respondent Vermont Clinic to bear all costs on appeal.

Boren, P.J.

We concur: Nott, J.  
Todd, J.

DIVISION THREE

Court convened at 9:00 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Fidler, J. (Assigned) and Valorie Gray, Deputy Clerk.

Each of the following:

B141970 People v. Devereaux  
B142101 People v. Montenegro  
B141510 People v. Alfaro  
B136634 People v. Gault  
B141056 People v. Heard  
B139945 People v. McFee  
B142788 People v. Brandon  
B138867 People v. Hanold  
B136621 People v. Russ  
B141473 People v. Jones  
B141497 People v. Mendoza  
B142879 People v. McMorries  
B141161 People v. Bravo  
B112660 People v. Cauchi

DIVISION THREE (Continued)

Each of the following (continued):

B142567 Children & Family Services v. Keith M.  
B136228 People v. Freeman  
B138911 People v. Miranda  
B139420 People v. Lopez  
B135330 People v. McGinnis  
B142077 Children & Family Services v. Rafael M.

Argument waived, cause submitted.

B138462     People  
              v.  
              Adair

Merits:

Argued by Patrick D. Moran, deputy district attorney, for appellant and by John Steinberg for respondent. Cause submitted.

B139931     People  
              v.  
              Chavez

Merits:

Argued by Janyce Blair for appellant and by Lance Winters, deputy attorney general, for respondent. Cause submitted.

B136502     People  
B146117     v.  
              Perez  
              In re Humberto Perez on Habeas Corpus

Merits:

Argued by Susan K. Keiser for appellant-petitioner and by David A. Wildman, deputy attorney general, for respondent. Cause submitted.

DIVISION THREE (Continued)

B137071     Yaholom  
              v.  
              Panish

Merits:

Argued by Marc J. Poster for appellant and by Joel P. Schiff for respondents. Cause submitted.

B138041     L.A. Recovery 95 Income Fund, etc.  
              v.  
              Brand/Broadway Partners, Ltd.

Merits:

Argued by Uzzell S. Branson, III for appellants and by John P. Schock for respondents. Cause submitted.

B141537     National Technical Systems  
              v.  
              Commercial Contractors et al.

Merits:

Argued by Cynthia R. Maher for appellants and by Laura Gantney for respondents. Supplemental brief of appellant due by March 8, 2001, response by respondent due March 19, 2001. Submission deferred.

B128157     Sierra Club et al.  
              v.  
              Board of Supervisors of the County of Los Angeles et al.

Merits:

Argued by Frank P. Angel for appellants and by Peter J. Gutierrez, deputy county counsel, Charles J. Moore and William D. Ross for respondents. Cause submitted.

DIVISION THREE (Continued)

B120127     Montoya  
                 v.  
                 DeLaCruz

Merits:

Argued by Benjamin DeLaCruz, appellant in propria persona, and by Rita Gunasekaran for respondent. Cause submitted.

Court recessed at 1:35 P.M.

Court reconvened at 2:15 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Fidler, J. (Assigned) and Valorie Gray, Deputy Clerk.

B138976     Romo  
                 v.  
                 Presbyterian Intercommunity Hospital

Merits:

Argued by Nathaniel J. Friedman for appellant and by John J. Weber for respondent. Cause submitted.

B140949     Kaiser Foundation Health Plan  
                 v.  
                 Royal Indemnity Company

Merits:

Argued by B. Casey Yim for appellant and by Stephen Turner for respondent. Cause submitted.

B141021     City of Burbank  
                 v.  
                 Mnatsakanyan

Merits:

Argued by Michael Montgomery for appellant and by Richard J. Morillo for respondent. Cause submitted.

DIVISION THREE (Continued)

B142127     People  
              v.  
              Vasquez

Merits:

Argued by Randy Short for appellant and by Paul M. Roadarmel, deputy attorney general, for respondent. Cause submitted.

B136192     Holland  
              v.  
              Dewey Pest Control, Inc.

Merits:

Argued by Eric N. Landau for appellant and by Robert W. Hicks for respondent. Cause submitted.

B138142     Everflow, LLC et al.  
              v.  
              Kerr et al.

Merits:

Argued by Daniel B. Herbert for appellants and by Kenneth Goodfried for respondents. Cause submitted.

B138036     People  
              v.  
              DeLaLuz

Merits:

Argued by Mary J. DeLaPena for appellant and by Daniel Rogers, deputy attorney general, for respondent. Cause submitted.

DIVISION THREE (Continued)

B131744     Persinski  
              v.  
              Boxrud et al.

Merits:

Argued by G. Gregory Williams for appellant and by Judith M. Tishkoff and David J. Ozeran for respondents. Cause submitted.

B139309     Tabares  
              v.  
              The Daily News et al.

Merits:

Argued by Gerald Serlin for appellant and by Howard B. Soloway for respondents. Cause submitted.

B137247     Matter of Grace Ammon Trust  
              v.  
              Shaffer

Merits:

Argued by Kevin J. Stack for appellant and by James G. Morris for respondent. Cause submitted.

B138532     Reynolds  
              v.  
              Maxwell

Merits:

Argued by Roger H. Gray for appellant and by Kerry M. Kinney for respondent. Cause submitted.

B142625     In re Leon Casey Alva on Habeas Corpus

Merits:

Argued by Steven T. Flowers for petitioner and by Candice I. Horikawa, deputy city attorney, for real party in interest. Cause submitted.

Court adjourned at 5:50 P.M.

### DIVISION THREE (Continued)

B140168      Los Angeles County, D.C.F.S.  
v.  
Lilark W.

Filed order certifying opinion for publication.

DIVISION FIVE

B139518      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Yolanda T.  
In re Steven T.

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

B136458 People (Certified for Partial Publication)  
v.  
Hector Munoz et al.

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.



## DIVISION FIVE (Continued)

B138364      People                          (Not for Publication)  
v.  
Ronald Adams

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The clerk of the court {sic} is directed to correct the abstract of judgment as set forth herein to reflect two 5-year enhancements pursuant to section 667, subdivision (a)(1), and a total presentence credits of 433 days and forward it to the California Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

B141623      Seung Hyun                    (Not for Publication)  
v.  
Hyun Bang

The judgment is affirmed. Respondent(s) to recover costs.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

B142372      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Elura D.  
In re John D.

The judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Grignon, J.

## DIVISION FIVE (Continued)

B140461 People (Not for Publication)  
v.  
Plasencia

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The one-year enhancement imposed for the prior prison term under Penal Code section 677.5, subdivision (b), is stricken. The clerk of the superior court is directed to prepare an amended abstract of judgment. The superior court clerk is then to deliver the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Willhite, J. (Assigned)

We concur:   Turner, P.J.  
                      Grignon, J.

DIVISION SIX

B142389 People (Not for Publication)  
v.  
Sims

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SEVEN

B147708      First Wilshire Finance  
v.  
David Finzi

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed February 1, 2001) dismissed.

## February 26, 2001-Continued

## DIVISION SEVEN (Continued)

B138153 People (Not for Publication)

V.

Tracy Lamont McKinney

The judgment is affirmed.

Woods, J.

I concur:        Neal, J.

I concur in the judgment only:       Johnson, Acting. P.J.

B138504 People (Not for Publication)

V.

Baltazar Lopez Garcia

The judgment is affirmed.

Neal, J.

I concur: Woods, J.

I concur in the judgment only:      Johnson, Acting. P.J

B135014      Jesse Brown      (Not for Publication)

V.

Ultramar Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Neal, J.

We concur:   Johnson, Acting P.J.

Woods, J.

B106689 People

V.

Brandon Wade Hein, Micah Holland, Jason Skip Holland and Anthony Miliotti

Filed order denying The People's petition for rehearing.

DIVISION SEVEN (Continued)

B137924 Kovacs

v.

Ralphs Grocery Company

Filed order denying petition for rehearing.